

### **REMARKS/ARGUMENTS**

The Examiner has rejected claims 118 – 127 under 35 U.S.C. §103(a) as unpatentable over U.S. Skidgel et al. (U.S. patent application publication No. 2002/0093678 A1) in view of Shneiderman (U.S. patent No. 7,010,751 B2) and Hamada et al. (U.S. patent No. 6,353,452 B1).

Per claim 118, on page 5 of the Office action Examiner states:

“However, Shneiderman teaches wherein said identifying information comprises a user identifier of other users of said computer network in said image data (see column 9, line 29 through column 10, line 14).”

Applicant requests Examiner indicate more specifically where this is disclosed in Shneiderman, column 9, line 29 through column 10, line 14. Applicant emphasizes that Shneiderman does not disclose a mechanism for identifying, obtaining, or storing information about users of the system and consequently he could not disclose creating identifiers for any such users. Shneiderman solely discloses obtaining and storing information about objects (including people) appearing in images. Shneiderman clearly states that “information about the image aspects (for example, people, etc.) shown in the images of the Image Library is stored in an “Image Aspects Table” (column 9, lines 46 through 48). Thus, Shneiderman discloses assigning an identifier to entities in an image but does not disclose how those identifiers are comprised of user identifiers of other users of the system.

Applicant acknowledges that Shneiderman does state that the “Image Aspects Table” (elsewhere referred to as the “People Table”) “may optionally be extended to include personal or professional information such as... e-mail addresses for exporting the Image Library to others (emphasis added)” (Column 9, line 64 through column 10, line 1). However, Shneiderman expressly discloses the use of an email address for transmitting the Image Library. He does not disclose using such personal information as a means for obtaining and storing information about people using the system, nor as a means for creating or assign a unique user identifier to users of the system. Furthermore, an email alone would be insufficient to serve as a unique user identifier of other users of the system, since multiple users may

share one email or one user may have multiple email addresses. Without disclosing how users of the system can be identified and stored, Shneiderman does not teach how such information could be used to generate a unique user identifier to users of the system.

Furthermore, it is not obvious how one might use such personal data to generate a unique user identifier for users of the system. Firstly, if an email address was used as the “PersonID”, two users who share an email address could not both exist in the “People Table”. Secondly, if this identifier was changed in one Library it is not obvious how this new updated value would also be updated in other Image Libraries. Consequently, a user could have multiple user identifiers across multiple Image Libraries. Thus the identifier would fail to uniquely identify the user in the system. Thirdly, if the common practice of assigning a random number to serve as the user identifier was employed, it is not obvious how these numbering systems could be kept in sync across multiple Image Libraries such that users have the same unique user identifiers across a plurality of Image Libraries. Without such a mechanism, users could have several user identifiers and none of them would uniquely identify the user. Shneiderman only discloses how records in the “People Table” might be shared but does not disclose how such complications in generating a unique user identifier would be overcome (column 12, lines 41 – 50):

“Retyping the names that already exist in other libraries is very tedious and time-consuming job. Therefore, the software of the present invention supports a function to import the People (Image Aspects) Table from other libraries. The internal process of importing the People Table is similar to that of creating a new person repeatedly. The only (emphasis added) thing the software of the present invention should handle is checking and eliminating the duplication of a person name (emphasis added) ”

If, in fact, the “only thing” the system should do is prevent the “duplication of a person name” as is taught by Shneiderman, users could have, and would likely have, have a plurality of user identifiers. As such these user identifiers could not uniquely identify users of the system. This complication would render the system inoperable since data in the “Appearance Table” would refer to “PersonID” which are not present in the “People Table”. These complications demonstrate that generating a unique user identifier from personal information in the “Peoples Table”, as disclosed by Shneiderman, would not be obvious.

In summary, Shneiderman does not disclose how to obtain or store information about users of a system. Shneiderman does not disclose how personal information such as an email could be used to generate a unique user identifier for users of the system. Finally, it is not obvious how a unique user identifier for users of the system could be generated from any personal information such as email address stored in the "People Table".

Additionally on claim 118, Examiner states that "Hamada et. al. teaches pulling information from a preexisting table such as a user's table rather than populating the list by the user (see column 7, lines 26-46)". As one skilled in the art, it is not obvious to Applicant how Hamada's teachings disclose this. Applicant request Examiner more clearly indicate where Hamada discloses this in column 7, lines 26 through 46. Applicant would further indicate that the subject matter on which Hamada et. al. teaches is the generation of SQL database commands through a visual interface. More specifically, Hamada et. al. teaches a means to visually highlight which fields from a database tables maybe be joined as well as a means to prevent joins between incompatible data types. This subject matter is considerably different than the subject matter of sharing images within online communities. Applicant does not believe it is would be obvious for one skilled in Applicant's field to modify Shneiderman to include Hamada's teachings, when these separate teachings attempt to solve different problems in differing fields.

Per claims 119 – 122, Applicant request they be reconsidered in light of the arguments above as they are depended on claim 118.

Per claim 120, Examiner further states:

"As to claim 120, Skidgel et al. as modified, teaches wherein said user identifier in said identification information obtained by said second computer from a user of said computer network is selected from a relationships between users of said computer network (see Skidgel et al., paragraphs 0033 and 0038; see Shneiderman, column 9, line 64 through column 10, line 7; and see Hamada et al., column 7, lines 26-46)."

Applicant has reviewed all such references and finds no teaching regarding a user identifier being selected from data about relationship between separate users of the system. Further, Applicant finds no

teaching about storing information about relationships between users in these references. Applicant request Examiner specify where in those references such disclosures are made.

Per claim 122, Shneiderman only discloses that “The Images Aspects Table may optionally be extended to include personal or professional information such as... e-mail addresses for exporting the Image Library to other” (column 9 line 64 through column 10, line 1). This disclosure does not teach a triggering mechanism whereby the system sends an email notifying users that they have been identified in an image. Rather Shneiderman suggests an optional user-driven mechanism to send the entire Image Library over email.

Per Claim 123, Applicant requests that Examiner reconsider the rejection in light of the argument set forth for Claim 118: Schneider does not teach where descriptive information is associate a user identifier because Shneiderman does not disclose storing information about users of the system. Applicant request Examiner reconsider Claims 124 – 127 in light of this same argument as they are dependent on Claim 123.

Applicant further request Examiner to reconsider Claim 125 in light of the argument presented above for Claim 120: prior art does not disclose a user identifier being selected from data about relationship between separate users of the system.

Applicant further requests Examiner to reconsider Claim 127 in light of the argument presented earlier for Claim 122: Shneiderman does not disclose mechanism by which the system would notify users via email.

### **Response to Commercial Success argument rejections**

Examiner argues that “Skidgel et al. and Shneiderman clearly teaches [the “tagging”] feature” (page 11, paragraph 3, sentence 4 of the Office action). However, at the same time Examiner is rejecting

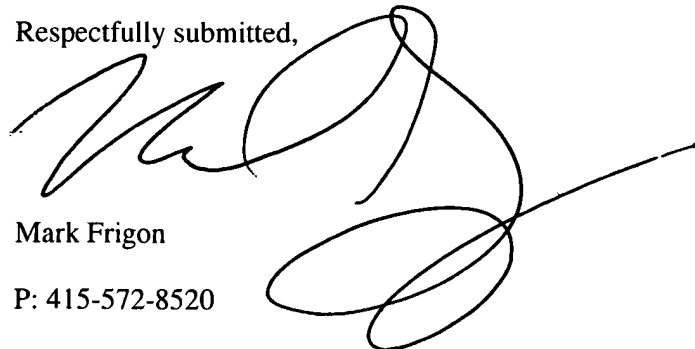
claims 118 – 127 based on 35 U.S.C. 103(a), rather than on § 102. In doing so, Examiner has already indicated that the Skidgel et. al. or Shneiderman do not disclose this. Thus the exhibits have been included to demonstrate that the commercial success argues non-obviousness.

The exhibits submitted demonstrate the Commercial Success of systems which in Applicant's view implement claims 118 & 123. Most specifically, in Applicant's view, they practice capturing identifying information about users of the system which comprises an identifier for a user of the system. As Examiner cites a §103 rejection, Applicant requests Examiner reconsider "obviousness" in light of the commercial success and adoption of present invention.

**Conclusion**

Applicant respectfully submits the claims as presented herein are patentable over the cited prior art and are therefore in condition for allowance. Should Examiner agree that the present invention is patentable material, but does not feel that the present claims are technically adequate, Applicant gratefully requests that the Examiner write acceptable claims pursuant to MPEP 707.07(j). Should Examiner not find existing arguments persuasive, Applicant further requests an Interview pursuant to MPEP 713 so that proposed amendments can be reviewed to insure that they do overcome the prior art and are in compliance with 37 CFR §1.121.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Mark Frigon

P: 415-572-8520

## Confirmation Report - Memory Send



Page : 001  
 Date & Time: 2011-05-31 08:13pm  
 Line 1 : 6507621499  
 E-mail :  
 Machine ID : Coremetrics

Job number : 954  
 Date : 05-31 08:10pm  
 To : 8915712738300  
 Number of pages : 009  
 Start time : 05-31 08:10pm  
 End time : 05-31 08:13pm  
 Pages sent : 000  
 Status : NG 80

Job number : 954

\*\*\* SEND FAILED \*\*\*

Doc Code: TRAN.LET

Document Description: Transmittal Letter

PTO/GB/21 (07-00)

Approved for use through 07/31/2012. OMB 0681-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number	09/091,324
Filing Date	11/15/2001
First Named Inventor	MARK FRIGON
Art Unit	2169
Examiner Name	BETT, JACOB F.
Attorney Docket Number	SAC-P0002

#### ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form  
☒ Fee Attached  
☒ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☒ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/Incomplete Application  
☐ Reply to Missing Parts under 37 CFR 1.62 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation  
☐ Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):  
 Response to Office action.

Remarks

#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARK FRIGON
Signature	
Printed name	MARK FRIGON
Date	5/28/2011
Reg. No.	

#### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		Date	5/28/2011
Typed or printed name		MARK FRIGON	

This collection of information is required by 37 CFR 1.5. The information is required to be submitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. This collection of information is required to be submitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. This collection of information is required to be submitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

If you need assistance in completing the form, call 1-800-PTO-5199 and select option 2.

## Confirmation Report - Memory Send

Page : 001  
 Date & Time: 2011-05-31 07:50pm  
 Line 1 : 6507621499  
 E-mail :  
 Machine ID : Coremetrics

Job number : 952  
 Date : 05-31 07:46pm  
 To : 8915712738300  
 Number of pages : 009  
 Start time : 05-31 07:46pm  
 End time : 05-31 07:50pm  
 Pages sent : 000  
 Status : NG BO

Job number : 952

\*\*\* SEND FAILED \*\*\*

Doc Code: TRAN.LET

Document Description: Transmittal Letter

PTO/SB/21 (07-09)

Approved for use through 07/31/2012. OMB 0561-0031  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information if it does not display a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number	09/991,324
Filing Date	11/16/2001
First Named Inventor	MARK FRIGON
Art Unit	2169
Examiner Name	BETTY JACOB F
Attorney Docket Number	BAC-P0002

## ENCLOSURES (Check all that apply)


- ☒ Fee Transmittal Form  
☒ Fee Attached  
☒ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/Incomplete Application  
☐ Reply to Missing Parts under 37 CFR 1.62 or 1.63

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney; Revocation  
☐ Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s)  
☐ Landscape Table on CD

Remarks


- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):  
 Response to Office action.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARK FRIGON
Signature	
Printed name	MARK FRIGON
Date	5/28/2011
Reg. No.	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	MARK FRIGON
Date	5/28/2011

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Confirmation Report - Memory Send

Page : 001  
Date & Time: 2011-05-31 07:57pm  
Line 1 : 6507621499  
E-mail :  
Machine ID : Coremetrics

Job number : 953  
Date : 05-31 07:54pm  
To : 2915712730177  
Number of pages : 009  
Start time : 05-31 07:54pm  
End time : 05-31 07:57pm  
Pages sent : 000  
Status : NG BO

Job number : 953

\*\*\* SEND FAILED \*\*\*

Doc Code: TRAN.LET  
Document Description: Transmittal Letter

PTO/BB/21 (07-09)

Approved for use through 07/31/2012. OMB 0551-0031

Under the Paperwork Reduction Act of 1995, no person should be required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number 05/951,324  
Filing Date 11/15/2001  
First Named Inventor MARK FRIGON  
Art Unit 2182  
Examiner Name BETT, JACOB F.  
Attorney Docket Number SAC-P0002

### ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form  
☒ Fee Attached  
☒ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☒ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.62 or 1.63

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s)  
☐ Landscape Table on CD

Remarks

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board  
of Appeals and Interferences  
☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify  
below):  
Response to Office action.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name MARK FRIGON

Signature

Printed name

Date

5/28/2011

Reg. No.

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460 on the date shown below:

Signature

Typed or printed name

MARK FRIGON

Date

5/28/2011

This collection of information is required by 37 CFR 1.5. The information is required to obtain or relate a benefit to the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.



## Confirmation Report - Memory Send

Page : 001  
 Date & Time: 2011-05-31 07:44pm  
 Line 1 : 6507621499  
 E-mail :  
 Machine ID : Coremetrics

Job number : 951  
 Date : 05-31 07:40pm  
 To : 6915712738300  
 Number of pages : 009  
 Start time : 05-31 07:40pm  
 End time : 05-31 07:44pm  
 Pages sent : 000  
 Status : NG BO

Job number : 951

\*\*\* SEND FAILED \*\*\*

Doc Code: TRAN.LET  
 Document Description: Transmittal Letter

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.  
 Approved for use through 07/31/2012. OMB 0851-0031  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

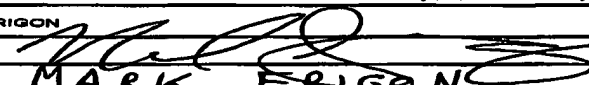
Total Number of Pages in This Submission 9

Application Number 09/991,324  
 Filing Date 11/18/2001  
 First Named Inventor MARK FRIGON  
 Art Unit 2189  
 Examiner Name BETTI, JACOB F.  
 Attorney Docket Number SAC-P0002

## ENCLOSURES (Check all that apply)


<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Response to Office action.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	Remarks _____	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name MARK FRIGON  
 Signature   
 Printed name MARK FRIGON  
 Date 5/29/2011 Reg. No. \_\_\_\_\_

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature   
 Typed or printed name MARK FRIGON Date 5/29/2011

This collection of information is required by 37 CFR 1.5. The information is required to obtain a patent benefit for the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.